

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00780-RBW

SPURLING v. UNITED STATES DEPARTMENT OF
 JUSTICE et al

Assigned to: Judge Reggie B. Walton
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/27/2017

Jury Demand: Defendant

Nature of Suit: 550 Prisoner Petition: Civil
 Rights (Other)

Jurisdiction: U.S. Government Defendant

Plaintiff

LEO CORNELIUS SPURLING

represented by **LEO CORNELIUS SPURLING**

KSP#87808,4-128

266 Water Street

Eddyville, KY 42038

PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT OF
 JUSTICE**

represented by **Diana Viggiano Valdivia**
 U.S. ATTORNEY'S OFFICE/DISTRICT

OF COLUMBIA

555 4th Street, NW

Washington, DC 20530

(202) 252-2545

Email: diana.valdivia@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joshua L. Rogers

U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA

555 Fourth Street, NW

Washington, DC 20530

(202) 252-2578

Fax: (202) 252-2599

Email: joshua.rogers3@usdoj.gov

TERMINATED: 02/21/2019

Defendant

DAVID M. HARDY

*Individually and as Section Chief,
 Record/Information Dissemination
 Section*

TERMINATED: 04/27/2017

represented by **Joshua L. Rogers**

(See above for address)

TERMINATED: 02/21/2019

Date Filed	#	Docket Text
04/27/2017	<u>1</u>	COMPLAINT against DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE filed by LEO CORNELIUS SPURLING. (Attachments: # <u>1</u> Civil Cover Sheet)(td) Modified party on 5/8/2017 (td). (Entered: 05/02/2017)
04/27/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by LEO CORNELIUS SPURLING (td) Modified on 5/8/2017 (td). (Entered: 05/02/2017)
04/27/2017	<u>3</u>	PRISONER ACCOUNT STATEMENT by LEO CORNELIUS SPURLING (td) Modified on 5/8/2017 (td). (Entered: 05/02/2017)

04/27/2017	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$38.96 from Prison Account of Leo Cornelius Spurling and granting MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Signed by Judge James E. Boasberg on 4/26/17. (td) Modified on 5/17/2017 (td). (Entered: 05/02/2017)
04/27/2017	<u>5</u>	ORDER that this civil action shall proceed under the Freedom of Information Act Against the United States Department of Justice. David M. Hardy is DISMISSED WITH PREJUDICE as a party defendant. Signed by Judge James E. Boasberg on 4/24/17. (See order for further details) (td) (Entered: 05/02/2017)
05/16/2017	<u>6</u>	SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (jd) (Entered: 05/20/2017)
05/19/2017	<u>7</u>	MOTION to Stay by LEO CORNELIUS SPURLING (jf) (Entered: 05/22/2017)
05/24/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/18/2017. (Answer due for ALL FEDERAL DEFENDANTS by 6/17/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/22/17., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 5/22/17 (td) (Entered: 05/26/2017)
05/31/2017	<u>9</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Rogers, Joshua) (Entered: 05/31/2017)
06/19/2017	<u>10</u>	ANSWER to <u>1</u> Complaint with Jury Demand by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE.(Rogers, Joshua) (Entered: 06/19/2017)
06/26/2017	<u>11</u>	ORDER directing defendant, by July 17, 2017, to file an opposition to plaintiff's Motion to Stay These Proceedings During Exhaustion and For Amendment [ECF No. 7] and a proposed schedule for dispositive motions. Signed by Judge Reggie B. Walton on 6/26/17. (ms) (Entered: 06/26/2017)
06/26/2017		Set/Reset Deadlines: Defendant' Response due by 7/17/2017 (hs) (Entered: 06/26/2017)
07/07/2017	<u>12</u>	MOTION to Lift Stay by LEO CORNELIUS SPURLING (jf) (Entered: 07/10/2017)
07/17/2017	<u>13</u>	RESPONSE re <u>7</u> MOTION to Stay and Notice of Exhaustion with Amendment Requesting Lifting of Stay filed by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE. (Rogers, Joshua) (Entered: 07/17/2017)
07/17/2017	<u>14</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 07/17/2017)
07/19/2017	<u>15</u>	ORDER denying as moot the plaintiff's <u>7</u> Motion to Stay and <u>12</u> Motion to Lift Stay; directing the defendant to produce records to the plaintiff in three monthly releases on August 21, 2017, September 21, 2017, and October 23, 2017; and ordering the plaintiff to notify the defendants and the Court by November 21, 2017 whether he challenges the defendants' response. Signed by Judge Reggie B. Walton on 7/19/17. (ms) (Entered: 07/19/2017)
07/19/2017		Set/Reset Deadlines: Plaintiff's Response to Defendant's submissions due by 11/21/2017 (hs) (Entered: 07/19/2017)
11/30/2017	<u>16</u>	NOTICE Challenging Government's Disclosure Requesting Detailed Justification, Itemizing and Indexing Under Vaughn with 5 U.S.C.(a) In Camera Review by LEO CORNELIUS SPURLING; "Leave to file is granted" by Judge Walton (td) (Entered: 12/06/2017)
12/05/2017	<u>17</u>	SUPPLEMENT to re <u>16</u> Notice Challenging Government's Disclosure filed by LEO CORNELIUS SPURLING. (td) (Entered: 12/11/2017)
12/12/2017		MINUTE ORDER. To ensure the expeditious resolution of the issues raised in the plaintiff's <u>16</u> Notice Challenging Government's Disclosure Requesting Detailed Justification, Itemizing and Indexing Under Vaughn with 5 U.S.C. § 552(a) In Camera Review, it is hereby ORDERED that the government shall file a response to the

		defendant's notice on or before January 5, 2018. It is further ORDERED that the plaintiff shall file any reply on or before January 19, 2018. Signed by Judge Reggie B. Walton on December 12, 2017. (lcrbw3) (Entered: 12/12/2017)
01/02/2018	<u>18</u>	MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Notice</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 01/02/2018)
01/03/2018		MINUTE ORDER. Upon consideration of the <u>18</u> Defendant's Motion for Extension of Time, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that, on or before February 28, 2018, the defendant shall file its response to the plaintiff's <u>16</u> Notice Challenging Government's Disclosure Requesting Detailed Justification, Itemizing and Indexing Under Vaughn with 5 U.S.C. § 552(a) In Camera Review. Signed by Judge Reggie B. Walton on January 3, 2018. (lcrbw3) (Entered: 01/03/2018)
01/03/2018		Set/Reset Deadlines: Defendant's Response due by 2/28/2018 (hs) (Entered: 01/03/2018)
02/26/2018	<u>19</u>	MOTION for Extension of Time to File <i>Response to Notice</i> by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 02/26/2018)
02/26/2018	<u>20</u>	ERRATA by UNITED STATES DEPARTMENT OF JUSTICE <u>19</u> MOTION for Extension of Time to File <i>Response to Notice</i> filed by UNITED STATES DEPARTMENT OF JUSTICE, DAVID M. HARDY. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 02/26/2018)
03/05/2018		MINUTE ORDER: It is hereby ORDERED that defendants' <u>19</u> Motion for Extension of Time is GRANTED, and defendants' filing deadline is extended to March 30, 2018. Signed by Judge Reggie B. Walton on 3/5/18. (ms) (Entered: 03/05/2018)
03/05/2018		Set/Reset Deadlines: Defendant's Response due by 3/30/2018 (hs) (Entered: 03/05/2018)
03/29/2018	<u>21</u>	RESPONSE re <u>16</u> Notice (Other) filed by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 03/29/2018)
04/04/2018	<u>22</u>	VACATED PURSUANT TO ORDER FILED 6/12/2018.....ORDER setting schedule for dispositive motions. Signed by Judge Reggie B. Walton on 4/4/18. (ms) Modified on 6/15/2018 (hs). (Entered: 04/04/2018)
04/05/2018		Set/Reset Deadlines: Summary Judgment motions due by 5/21/2018. Response to Motion for Summary Judgment/Cross Motion due by 6/20/2018. Reply to Motion for Summary Judgment due by 7/20/2018. Reply due by 8/20/2018. (hs) (Entered: 04/05/2018)
04/13/2018	<u>23</u>	NOTICE of Traverse by LEO CORNELIUS SPURLING re <u>21</u> Response to Document (td) (Entered: 04/18/2018)
05/21/2018	<u>24</u>	MOTION for Extension of Time to File <i>Dispositive Motion</i> by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 05/21/2018)
06/08/2018	<u>25</u>	RESPONSE (Objection) re <u>24</u> MOTION for Extension of Time to File <i>Dispositive Motion</i> filed by LEO CORNELIUS SPURLING. (ztd) (Entered: 06/11/2018)
06/08/2018	<u>26</u>	MOTION for Order Ruling by LEO CORNELIUS SPURLING; (See docket entry no. <u>25</u> to view) (ztd) (Entered: 06/11/2018)
06/12/2018		MINUTE ORDER: On consideration of the defendants' motion for an extension of time and the plaintiff's opposition, it is hereby ORDERED that the defendants' motion <u>24</u> is GRANTED, and the order setting a schedule for dispositive motions <u>22</u> is VACATED. The defendants shall file their dispositive motion by June 20, 2018, and no further extensions of time will be granted absent extraordinary circumstances. It is further ORDERED that the plaintiff's motion for an extension of time and to consider the plaintiff's "Traverse" <u>26</u> is DENIED WITHOUT PREJUDICE. The Plaintiff's Traverse to Defendant's Response <u>23</u> has been docketed, and the Court will consider it

		in conjunction with the plaintiff's opposition to the defendants' dispositive motion. Signed by Judge Reggie B. Walton on 6/12/18. (ms) (Entered: 06/12/2018)
06/12/2018		Set/Reset Deadlines: Defendant's Dispositive Motion due by 6/20/2018. (hs) (Entered: 06/12/2018)
06/19/2018	<u>27</u>	MOTION for Summary Judgment by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Exhibit, # <u>5</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 06/19/2018)
06/21/2018	<u>28</u>	Order advising plaintiff to file by 7/20/2018 his opposition to defendants' <u>27</u> MOTION for Summary Judgment and cross-motion, defendant to file by 8/20/18 a reply and opposition to plaintiff's cross-motion, and plaintiff to file by 9/20/18 his reply. Signed by Judge Reggie B. Walton on 6/20/18. (ms) (Entered: 06/21/2018)
06/21/2018		Set/Reset Deadlines: Plaintiff's Response to Motion for Summary Judgment due by 7/20/2018. Reply to Motion for Summary Judgment due by 8/20/2018. Plaintiff's Reply due by 9/20/2018. (hs) (Entered: 06/21/2018)
07/16/2018	<u>29</u>	MOTION for Extension of Time to File as to <u>27</u> MOTION for Summary Judgment by LEO CORNELIUS SPURLING (ztd) Modified event title on 7/19/2018 (znmw). (Entered: 07/17/2018)
07/20/2018		MINUTE ORDER: The plaintiff's motion for an extension of time <u>29</u> is GRANTED. The plaintiff shall file his opposition to defendant's motion for summary judgment <u>27</u> and cross-motion by August 20, 2018; the defendant shall file its reply and opposition to plaintiff's cross-motion by September 20, 2018; the plaintiff shall file his reply by October 22, 2018. Signed by Judge Reggie B. Walton on 7/20/18. (ms) (Entered: 07/20/2018)
07/20/2018		Set/Reset Deadlines: Cross Motions due by 8/20/2018. Response to Cross Motions due by 9/20/2018. Reply to Cross Motions due by 10/22/2018. Response to Motion for Summary Judgment due by 8/20/2018. Reply to Motion for Summary Judgment due by 9/20/2018. (gdf) (Entered: 07/20/2018)
08/20/2018	<u>30</u>	MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Summary Judgment by LEO CORNELIUS SPURLING. (tth) (Entered: 08/22/2018)
08/24/2018		MINUTE ORDER: The plaintiff's motion for an extension of time <u>30</u> is hereby GRANTED. The plaintiff shall file his opposition to defendant's motion for summary judgment <u>27</u> by October 1, 2018; the defendant shall file its reply and opposition to the plaintiff's cross-motion by October 30, 2018; the plaintiff shall file his cross-motion reply by November 30, 2018. Signed by Judge Reggie B. Walton on 8/24/18. (ms) (Entered: 08/24/2018)
08/24/2018		Set/Reset Deadlines: Response to Cross Motions due by 10/30/2018. Reply to Cross Motions due by 11/30/2018. Response to Motion for Summary Judgment due by 10/1/2018. Reply to Motion for Summary Judgment due by 10/30/2018. (gdf) (Entered: 08/27/2018)
09/24/2018	<u>31</u>	RESPONSE re <u>27</u> MOTION for Summary Judgment filed by LEO CORNELIUS SPURLING. (Attachments: # <u>1</u> Exhibit Part 1 of 2, # <u>2</u> Exhibit Part 2 of 2)(ztd) (Entered: 09/25/2018)
09/24/2018	<u>32</u>	Cross MOTION for Summary Judgment by LEO CORNELIUS SPURLING; (See docket no. <u>31</u> to view.) (ztd) (Entered: 09/25/2018)
10/26/2018	<u>33</u>	MOTION for Extension of Time to File Response/Reply by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 10/26/2018)
11/02/2018		MINUTE ORDER: The defendant's <u>33</u> Motion for Extension of Time is GRANTED, and its reply and opposition to the plaintiff's <u>32</u> cross-motion for summary judgment are due by 12/28/2018. Signed by Judge Reggie B. Walton on 11/2/18. (ms) (Entered: 11/02/2018)

11/05/2018		Set/Reset Deadlines: Response to Cross Motions due by 12/28/2018. (hs) (Entered: 11/05/2018)
12/17/2018	<u>34</u>	NOTICE of Service Obstruction by LEO CORNELIUS SPURLING (Attachments: # <u>1</u> Exhibit)(ztd) (Entered: 12/19/2018)
12/26/2018	<u>35</u>	MOTION to Stay <i>All Proceedings in Light of Lapse of Appropriations</i> by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 12/26/2018)
01/11/2019		MINUTE ORDER granting in part and denying in part <u>35</u> the defendants' motion to stay. The motion is GRANTED to the extent that the defendants seek to vacate the impending deadlines in this case. The motion is DENIED in all other respects. It is further ORDERED that any impending deadlines in this case are VACATED pending further Order of the Court. It is further ORDERED that, on or before January 31, 2019, the defendants shall file a status report regarding how this case shall proceed. Signed by Judge Reggie B. Walton on 1/11/19. (ms) (Entered: 01/11/2019)
01/11/2019		Set/Reset Deadlines: Joint Status Report due by 1/31/2019 (hs) (Entered: 01/11/2019)
01/15/2019	<u>36</u>	MOTION for Default Judgment as to U.S. Department of Justice by LEO CORNELIUS SPURLING (ztd) (Main Document 36 replaced on 1/28/2019) (ztd). (Entered: 01/22/2019)
01/28/2019		MINUTE ORDER: The Court granted the defendants' motion for an extension of time (ECF No. 33) and by minute order on November 2, 2018, the Court set December 28, 2018 as the defendants' new deadline. In light of the lapse of appropriations for the U.S. Department of Justice, by minute order on January 11, 2019, the Court vacated the defendants' deadline and ordered the defendants to file a status report by January 31, 2019. The defendants' deadline has not yet passed, and it is hereby ordered that the plaintiffs motion for default judgment <u>36</u> is DENIED. Signed by Judge Reggie B. Walton on 1/28/19. (ms) (Entered: 01/28/2019)
02/01/2019	<u>37</u>	MOTION for Extension of Time to File <i>Status Report, Nunc Pro Tunc</i> by DAVID M. HARDY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 02/01/2019)
02/04/2019		MINUTE ORDER: It is hereby ordered that the defendants' <u>37</u> Motion for Extension of Time is granted nunc pro tunc, and that the deadline for filing a status report is extended to February 14, 2019. Signed by Judge Reggie B. Walton on 2/4/19. (ms) (Entered: 02/04/2019)
02/04/2019		Set/Reset Deadlines: Status Report due by 2/14/2019. (gdf) (Entered: 02/04/2019)
02/04/2019	<u>38</u>	Third NOTICE of Non-Service of Pleadings by LEO CORNELIUS SPURLING (ztd) (Entered: 02/06/2019)
02/04/2019	39	MOTION for Order to provide copies by LEO CORNELIUS SPURLING; (See docket entry no. <u>38</u> (ztd) (Entered: 02/06/2019)
02/05/2019		Set/Reset Deadlines: Defendant's Status Report due by 2/14/2019 (hs) (Entered: 02/05/2019)
02/06/2019		MINUTE ORDER: Counsel for defendant is reminded that the pro se plaintiff must be served with documents in paper form, Local Civil Rule 5.4(e)(2), and that counsel must include a separate certificate of service showing that a paper copy of any filing has been served on the plaintiff, Local Civil Rule 5.4(d)(2). It is hereby ordered that the plaintiff's motion 39 is granted. Not later than February 15, 2019, defendant shall send paper copies of its motions [ECF Nos. 33, 35] to the plaintiff at his current address of record. Signed by Judge Reggie B. Walton on 2/6/19. (ms) (Entered: 02/06/2019)
02/06/2019		Set/Reset Deadlines: defendant to send paper copies of its motions [ECF Nos. 33, 35] to the plaintiff at his current address of record by 2/15/2019. (hs) (Entered: 02/06/2019)
02/07/2019	<u>40</u>	NOTICE of Filing of Certificate of Service by UNITED STATES DEPARTMENT OF JUSTICE (Rogers, Joshua) (Entered: 02/07/2019)

02/14/2019	<u>41</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Graham-Oliver, Heather) (Entered: 02/14/2019)
02/21/2019	<u>42</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Diana Viggiano Valdivia on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Valdivia, Diana) (Entered: 02/21/2019)
02/21/2019		MINUTE ORDER: On consideration of the <u>41</u> Status Report filed by the UNITED STATES DEPARTMENT OF JUSTICE, it is hereby ORDERED that the defendant shall file its reply and response to the plaintiff's cross-motion for summary judgment by March 15, 2019. Signed by Judge Reggie B. Walton on 2/21/19. (ms) (Entered: 02/21/2019)
02/22/2019		Set/Reset Deadlines: Defendant's Response to Cross Motion due by 3/15/2019. (hs) (Entered: 02/22/2019)
03/15/2019	<u>43</u>	REPLY to opposition to motion re <u>27</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 03/15/2019)
03/15/2019	<u>44</u>	Memorandum in opposition to re <u>32</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 03/15/2019)
03/15/2019		MINUTE ORDER: The defendant has filed <u>44</u> a Memorandum in Opposition to the plaintiff's <u>32</u> Motion for Summary Judgment. The plaintiff shall file his Reply by April 15, 2019. Signed by Judge Reggie B. Walton on 3/15/19. (ms) (Entered: 03/15/2019)
03/15/2019		Set/Reset Deadlines: Reply due by 4/15/2019. (gdf) (Entered: 03/18/2019)
04/01/2019	<u>45</u>	NOTICE by LEO CORNELIUS SPURLING (ztd) (Entered: 04/02/2019)
04/01/2019	<u>46</u>	MOTION for Extension of Time to File Response/Reply by LEO CORNELIUS SPURLING (ztd); (See docket entry no. <u>45</u> to view.) (Entered: 04/02/2019)
04/04/2019		MINUTE ORDER: : The plaintiff represents that he received the defendant's reply and opposition to his cross-motion for summary judgment on March 26, 2019, or 11 days after filing. His current response deadline is April 15, 2019. It is hereby ORDERED that the plaintiff's motion for an extension of time <u>46</u> is GRANTED, and his reply deadline is extended to April 29, 2019. Signed by Judge Reggie B. Walton on 4/3/19. (ms) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Reply in support of Cross Motion due by 4/29/2019. (hs) (Entered: 04/04/2019)
04/25/2019	<u>47</u>	REPLY to opposition to motion re <u>32</u> MOTION for Summary Judgment filed by LEO CORNELIUS SPURLING. (ztd) (Entered: 04/26/2019)